

Tate David Prows  
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OCT 01 2024

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BY

DEPUTY

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF WASHINGTON  
WESTERN DIVISION**

TATE DAVID PROWS,  
Petitioner, Counsel, Next Friend, Concerned Citizen,

KURT BENSHOOF,  
Prisoner.

**Case. 2:24-cv-01110-JNW-SKV**

**Reply to Show Cause Order**

In my previous filing, I referred to myself as “Next Friend” of Reverend Benshoof. My presumption was that a next friend was simply someone filing on another’s behalf. I did not realize that term would carry with it judicially created hurdles. Reverend Benshoof and I share something in common, we are two of the sovereign people of the United States of America, and our respective states of Washington and Ohio. This should be more than enough for me to file this Petition for Writ of Habeas Corpus for Reverend Benshoof. If this Court requires more than simply being a fellow citizen of this Great Nation, I will do my best to provide such.

When I read the plain language of Article I, Section 9 of the Constitution, it says, “The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” I know for certain that the qualifiers of Rebellion or Invasion are not at play here. Alexander Hamilton wrote, in his Federalist Paper No. 84, “The establishment of the writ of habeas corpus, the prohibition of ex post facto laws...are perhaps greater securities to liberty and republicanism than any [the Constitution] contains.” When

someone is imprisoned for unjust reasons, there can be no greater showing of a just system than to permit and demand a reasonable inquiry into that imprisonment. This is exactly what is occurring here. Federally protected rights are being violated.

The purpose of the writ of habeas corpus is not to determine the guilt or innocence of a prisoner, but only to test the legality of a prisoner's current detention. In other words, the writ of habeas corpus only functions to test jurisdictional defects that may invalidate the legal authority to detain the person, and the reviewing court only examines the power and authority of the governmental authority to detain the person and does not review the correctness of the authorities' conclusion to detain the person.

The Courts in question, both the Municipal Court for the City of Seattle and King County Superior Court, are prosecuting Reverend Benshoof without personal or subject matter jurisdiction. These arguments are being properly raised, both in written brief and verbally, but these arguments are being ignored. The Courts have chosen to steamroll forward, violating many, unalienable rights in the process. The municipal court does not have jurisdiction to hear protective custody cases, yet they proceed anyway. Reverend Benshoof and Owen were never married, and therefore the King County Superior Court does not have subject matter jurisdiction, yet they proceed anyway. Once again, these courts are proceeding to prosecute Reverend Benshoof without the jurisdictional threshold requirements and at least a few of the causes of action against him are past the statute of limitations. This does nothing to dissuade the kangaroo courts from pushing forward with their witch hunt.


Attached to this brief, this Court will find a signed affidavit from Reverend Benshoof that grants me next friend status and assistance of counsel to the Reverend. I also argue that, as a fellow citizen of This Great Republic, I can file The Great Writ on behalf of any fellow citizen. We left

the despotism of the Old World behind in hopes to find a vision of human freedom nought experienced before. The Great Work is happening here, in the United States of America. Thus far, we have repeatedly failed. These failings include *Barron v. Baltimore*, *Scott v. Sandford*, *Buck v. Bell*, *Korematsu v. United States*. We fail, but we still strive. Equal rights and equal protection under the law, for all people, is what we strive for.

The Ninth Circuit has said that comity between the States and the Federal Government is paramount unless special circumstances warrant federal intervention prior to a state criminal trial. *Carden v. Montana* (9<sup>th</sup> Cir.1980). Those special circumstances include cases of proven harassment or prosecutions undertaken by state officials in bad faith, without hope of obtaining a **valid conviction** and perhaps in other extraordinary circumstances where **irreparable injury can be shown**. I would argue that the facts of Reverend Benshoof's ordeal meet these requirements.

I ask that this Court grant my writ of habeas corpus and investigate the allegations and claims therein. After finding the Reverend to be victim of the described unlawful prosecution, I would ask one of two outcomes: 1) Be set free from the false imprisonment, or 2) Be removed to federal custody where he can be provided adequate resources for his Defense.

Respectfully Submitted:

  
9/25/24

Tate David Prows  
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**AFFIDAVIT**

1. I, KURT ALDEN BENSHOOF, need for the judges of Washington to respect my ~~inferent~~ and constitutionally-protected rights, so for this purpose I declare my intent that TATE D. PROWS shall have the general authority to file Petitions for Writs of Habeas Corpus, Amicus Briefs, and Next Friend Petitions on my behalf into all of my legal actions<sup>1</sup>; therefore, I hereby designate TATE D. PROWS as a "next friend" of mine, and as one of my "assistance of counsel".

2. The United States Supreme Court has acknowledged an established historical fact:

"Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment \*813 was proposed, provided that 'in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel . . . 'The right is currently codified in 28 U.S.C. s 1654."<sup>2</sup>

3. That Court quoted from Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92:

"SEC. 35. And be it further enacted, That in all courts of the United States, the parties may plead and manage their own causes personally or by assistance of such counsel or attorneys at law"<sup>3</sup>

4. Judiciary Act of 1789 was passed before 1791 ratification of the Sixth Amendment in the Bill of Rights. The drafters of the Sixth Amendment deliberately removed the words *attorneys at law*, and substantially amended its language to read: "*right to have the Assistance of Counsel.*"

5. Federal and State Constitutions require that criminal prosecutions conform to prevailing notions of fundamental fairness and that defendants be given a meaningful opportunity to present a complete defense. State v. Wittenbarger, 124 Wn.2d 467, 474-75, 880 P.2d 517 (1994)

<sup>1</sup> Next friend standing allows a third party to petition for habeas corpus on behalf of the real party in interest: the detainee. Whitmore v. Arkansas, 495 U.S. 149, 162 (1990) ("Most frequently, next friends appear in court on behalf of detained prisoners who are unable, usually because of mental incompetence or inaccessibility, to seek relief themselves."). Scott Harman-Heath, Unnamed & Uncharged: Next Friend Standing and the Anonymous Detainee, 11 Harv. Nat'l Sec. J. 420, 454 (2020)

<sup>2</sup> Faretta v. California, 422 U.S. 806, 812-13, 95 S. Ct. 2525, 2530, 45 L. Ed. 2d 562 (1975)

<sup>3</sup> "The Judiciary Act; September 24, 1789, 1 Stat. 73. An Act to Establish the Judicial Courts of the United States." "APPROVED , September 24, 1789." [https://avalon.law.yale.edu/18th\\_century/judiciary\\_act.asp](https://avalon.law.yale.edu/18th_century/judiciary_act.asp)


6. I have been denied not only *meaningful opportunity* to present a *complete defense* in this instant matter, if any, which I maintain is frivolous and malicious criminal prosecution and persecution without cause, depriving me of my inherent and constitutionally-protected rights to due process. I have been denied the most essential, elemental and basic resources to even attempt to formulate a defense: access to pen, paper, law/legal resources, computer, internet, email, and discovery.<sup>4</sup>

Signature:   
/KURT ALDEN BENSHOOF /

Date: 9/5/2024

AFFIDAVIT

The foregoing statements of fact were typed up by the undersigned, upon Mr. Benshoof's request and to the best of the undersigned's understanding, to be signed by Mr. Benshoof himself.<sup>5</sup>

Signature:   
/URVE MAGGITI/  
urve.maggitti@gmail.com

Date: August 19, 2024

<sup>4</sup> Benshoof was provided a few photocopies of incident reports, from the Seattle Police Dept. which responded to Owen's and Lerman's calls, and police reports of three visits to Benshoof's home.

<sup>5</sup> See Faretta v. California and Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92

**ACKNOWLEDGMENT  
AFFIDAVIT  
(Verification)**

STATE OF PENNSYLVANIA )  
COUNTY OF CHESTER )

I, Urve Maggitti, the undersigned Affiant hereto, do hereby declare under penalties of perjury under the laws of the Commonwealth of Pennsylvania and the United States of America, that the foregoing accounting of facts are true and correct to the best of my current knowledge and belief.

I am over the age of 18 years of age, am a resident of the Commonwealth of Pennsylvania, have personal knowledge of the matters of this affidavit, and am capable of making such affidavit.

Pursuant to 28 U.S. Code § 1746 (1) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 19 /2024.

Signed: \_\_\_\_\_

Urve Maggitti

Notary as JURAT CERTIFICATE

State of Pennsylvania \_\_\_\_\_

BEFORE ME personally appeared Urve Maggitti who, being by me first duly sworn, executed the foregoing in my presence and stated to me that the facts alleged therein are true and correct according to her own personal knowledge.

  
\_\_\_\_\_  
Notary Public,

My commission expires: 10-12-2026.

Commonwealth of Pennsylvania - Notary Seal  
Kerrick Sullivan, Notary Public  
Delaware County  
My commission expires October 12, 2026  
Commission number 1283631  
Member, Pennsylvania Association of Notaries



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